

BUCKSPORT STREETS & ROADS COMMITTEE MEETING
6:00 P.M., THURSDAY, OCTOBER 12, 2017
BUCKSPORT TOWN OFFICE

1. Call meeting to order
2. Roll Call
3. Consider accepting Royal Ridge Drive
4. Road Striping – rural roads
5. Transportation Items – Comp Plan Identified
6. Adjournment

Committee Members:

Chair, Robert Carmichael Jr.

Paul Rabs

Joseph York

FROM: Duane Nadeau, Public Works Director

TO: Derik Goodine, Town Manager

REF: Royal Ridge Subdivision Road Acceptance

DATE: October 10, 2014

The Royal Ridge Subdivision developer has requested the acceptance of the subdivision road by the Town of Bucksport. Prior to acceptance by the Town, Jeff Hammond, CEO, and myself researched the subdivision approval documents. A Maine Department of Environmental Protection Stormwater Protection and Treatment permit was discovered. Mr. Hammond and I conducted an on-site evaluation of the existing subdivision road based on the DEP stormwater permit and the Town's subdivision road construction standards.

The DEP stormwater permit requires the Town's acceptance of and agreement to maintain all the provisions and structures required within the permit prior to the Town's acceptance of the subdivision road.

The following observations were raised during the site visit to the Royal Ridge Subdivision location on October 9, 2014.

1. A stormwater treatment lid was constructed on the road's west side at Station 1+50. Construction details of the treatment lid are clearly shown in the construction drawing but no Town personnel were present during construction. Developer must provide certification that the treatment was constructed as shown in the construction details.
2. The construction drawing for the stormwater cross drain pipe at Sta 3+30 calls for a 15" X 55" pipe. A 15" X 75" pipe was installed. The extended pipe has resulted in a wider shoulder and has extended the toe-of-slope beyond the length shown on the drawings. Please explain the change. Secondly, since its original installation, this cross drain pipe has risen resulting in raised bump in the existing pavement. This bump must be eliminated.
3. Stormwater treatment level spreaders shown on the construction drawings at Sta 6+90 and Sta 13+20 were not installed.
4. The Maine DEP permit # L-23589-NJ-A-N/L-23589-TB-B-N Section 2.B. requires that the locations of the forested buffers must be permanently marked on the ground. A method of permanent marking must be installed.
5. The subdivision lot plan notes a 25' drainage easement located on Lots # 2, 4, 7 and beyond Lot # 8. This easement is not found on any other construction drawings or existing property deeds. Explain the easement requirements and location on property documents.
6. The resident of Lot # 6 has place fill within the road's R.O.W. which has raised the entire property's surface to the level of the road's shoulder height. A 15" X 30' culvert was installed under the north of two residential entrances at this

property but no ditch was created on the input side of the culvert. The result is no water is directed into this culvert. The filling/raising of the road's R.O.W. to the filled property height has eliminated the roadway base drainage structure, a ditch on the road's east side or original topographical down-slope on the west side. When Town issued street entrance permits are granted, no permanent fill is allowed with the road's R.O.W. The fill must be removed from the right of way and a ditch created to separate roadway runoff from the private property.

7. An active primitive road entrance was observed entering the existing pavement from the south side of the road end turn-around. Is this an approved entrance that must be maintained?



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

SES COM
Bucksport, Hancock County
ROYAL RIDGE SUBDIVISION
L-23589-NJ-A-N (approval)
L-23589-TB-B-N (approval)

) STORMWATER MANAGEMENT LAW
) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 480-A et seq. and Section 420-D, Section 401 of the Federal Water Pollution Control Act, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of (APPLICANT) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a stormwater management system for the access road to a 14-lot subdivision on a 34.7 acre parcel of land, all as shown on set of plans the first of which is entitled "Final Subdivision Plan for Royal Ridge Subdivision," prepared by Jim Kiser, P.E., dated April 5, 2007. The project site is located off Central Street in the Town of Bucksport.

The applicant is also seeking approval to alter 5,685 square feet of forested freshwater wetland under the Natural Resources Protection Act.

B. Current Use of the Site: The site of the proposed project is currently vacant fields and woodland. There are no structures on the property.

2. STORMWATER STANDARDS:

The proposed project includes approximately .9 acres of impervious area and 3.4 acres of developed area. It lies partially within the watershed of Silver Lake (.7 acres of disturbed area), a lake most at risk from new development and partially in Narramissic Stream. The applicant submitted a stormwater management plan based on the basic and general standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of forested buffers and LID treatment beds.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPS, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed by, and revised in response to the comments of DWM. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system. The applicant may not transfer responsibility for maintenance of the road and for the portion of the stormwater management system that is located in the road right-of-way to the town, until a letter has been submitted from the Town to the BLWQ documenting the Town's agreement to maintain both in accordance with the terms of this Order.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standard: The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. The proposed project (a road) meets the definition of "a linear portion of a project" in Chapter 500 and the applicant is proposing to reduce runoff volume control to no less than 75% of the volume from the impervious area and no less than 50% of the developed area OR to reduce the runoff volume to the BMP by 25%.

The forested, (limited disturbance, 12-foot wide driveway openings), stormwater buffers on lots will be protected from alteration through the execution of a deed restriction. The

applicant proposes to use the deed restriction language contained in Appendix G of Chapter 500 and submitted a draft deed restriction that meets Department standards. Prior to the start of construction, the location of forested buffers on individual lots must be permanently marked on the ground. The deed for each lot that contains any portion of the designated buffer must contain deed restrictions relative to the buffer and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffer on the lot. Prior to the start of construction on individual lots, the applicant must submit a copy of the recorded deed restriction including the plot plan to the BLWQ.

DWM stated that the proposed stormwater management system complies with the Chapter 500 General Standard.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Basic and General Standards. The Department further finds that the proposed project will meet the Chapter 500 standards for: (1) easements and covenants; (2) management of stormwater discharges; and (3) discharge to freshwater or coastal wetlands;

5. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to alter 5,685 square feet of forested freshwater wetland to construct a road for access to residential housing lots.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

A. Avoidance and Minimal Alteration. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment and the amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. Each application for a wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by Jim Kiser and dated May 1, 2007. The subdivision has been designed to allow adequate building sites on each lot while minimizing the need for additional wetland alteration once the road has been constructed.

C. Compensation. In accordance with Chapter 310(5)(C)(6) compensation is not required to achieve the goal of no net loss of wetland functions and values.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standard for best management practices.
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for: (1) easements and covenants; (2) management of stormwater discharges; (3) discharge to freshwater or coastal wetlands; (4) threatened or endangered species; and (5) discharges to public storm sewer systems.

BASED on the above Findings of Fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat; aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classification of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A., Section 480-P.

THEREFORE, the Department APPROVES the above noted application of SES COM to construct the above mentioned stormwater treatment system in Bucksport, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.
5. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit, particularly those conditions related to maintenance of the stormwater management system. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.

6. The applicant shall execute and record all required deed restrictions, including the appropriate buffer deed restrictions, within 60 days of the date of this Order unless the deed restriction is to be placed on a subdivision lot. In that situation, the applicant shall execute and record the required deed restriction prior to the start of construction on the lot.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER
REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY
COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 3rd DAY OF August, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

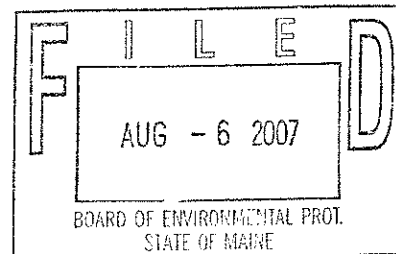
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application May 1, 2007

Date application accepted for processing May 11, 2007

Date filed with Board of Environmental Protection
RC/65184/65185/



**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS
APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA
FOR APPROVAL**

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
- (6) Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
- (7) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions

received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (8) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (9) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained

November 16, 2005